

REMARKS

The present Office Action addresses and rejects claims 1-9, and 11-13. Applicants respectfully request reconsideration of the present application in view of the following remarks.

Rejections Pursuant to 35 U.S.C. §103

Claims 1-9 and 11-13 stand rejected pursuant to 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,846,313 to Rogers et al. ("Rogers") in view of U.S. Patent No. 6,530,933 et al. ("Yeung"). The Examiner asserts that Rogers teaches the claimed invention except for the lubricating coating claimed by Applicants. The Examiner relies on Yeung to teach this feature arguing that it would have been obvious to modify the device of Rogers to include the coating taught by Yeung. Applicants respectfully disagree.

Independent claims 1, 5, and 9 each recite a bioabsorbable medical device having a *bioabsorbable lubricating coating* disposed on at least a portion thereof. The Examiner acknowledges that Rogers fails to disclose the bioabsorbable lubricating coating and relies on Yeung to teach this feature. As explained at col. 35, lines 40-45, Yeung teaches the use of a silicone oil, a plasma coating, or PTFE (i.e., Teflon) to lubricate the inside of a fastener delivery device. Independent claims 1, 5, and 9 require a *bioabsorbable* lubricating coating. Silicone oil, plasma coatings, and PTFE are not *bioabsorbable*, and Yeung gives no hint or suggestion that such lubricants have bioabsorbable properties, nor does Yeung suggest the use of any bioabsorbable lubricants.

Accordingly, independent claims 1, 5, and 9, as well as claims 2-4, 6-8, and 11-13 which depend directly or indirectly therefrom distinguish over Rogers and Yeung, taken alone or combined, and represent allowable subject matter.

Conclusion

In view of the foregoing, Applicants submit that all previously submitted claims, as amended, are now in condition for allowance, and allowance thereof is respectfully requested. Examiner Philogene is urged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,

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